

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 10th day of June 2004, at 8:00 P.M., and there were

PRESENT: JEFFREY LEHRBACH, CHAIRMAN

 JOHN ABRAHAM, JR. MEMBER

 ANTHONY ESPOSITO, MEMBER

 RICHARD QUINN, MEMBER

 ARLIE SCHWAN, MEMBER

 ROBERT THILL, MEMBER

ABSENT: WILLIAM MARYNIEWSKI, MEMBER

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK

 JOHN DUDZIAK, DEPUTY TOWN ATTORNEY

 JEFFREY SIMME, BUILDING INSPECTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

PETITION OF MICHAEL P. LIMPERT:

THE 1st CASE TO BE CONSIDERED BY THE Zoning Board of Appeals was that of the petition of Michael P. Limpert, 29 Kennedy Court, Lancaster, New York 14086 for one [1] variance for the purpose of erecting a storage shed on premises owned by the petitioner at 29 Kennedy Court, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster. The location of the proposed storage shed is two [2] feet from the rear property lines.

Chapter 50, Zoning, Section 10D.(1)(b) of the Code of the Town of Lancaster requires a [5] five foot lot line set back for an accessory structure. The petitioner, therefore, requests a three [3] foot lot line set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Michael Limpert, petitioner
29 Kennedy Court
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF MICHAEL P. LIMPERT

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ESPOSITO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Michael P. Limpert and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the present owner of the premises in question.

That the property for which the applicant is petitioning is within a Residential District 1, (R1) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 1, (R1) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial but is warranted given the circumstances of the shape of the yard.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED.**

June 10, 2004

PETITION OF ROBERT & JANE DIPASQUALE:

THE 2nd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Robert and Jane DiPasquale, 14 Trentwood Trail, Lancaster, New York 14086 for one [1] variance for the purpose of allowing a six [6] foot high fence to remain as positioned in a required open space area on premises owned by the petitioners at 14 Trentwood Trail, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on the radius of Trentwood Trail with an exterior side yard [considered a front yard equivalent] also fronting on Trentwood Trail. The petitioners have erected a six [6] foot high fence within the required open space area of the exterior side yard fronting on Trentwood Trail.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a front yard or an exterior side yard [considered a front yard equivalent] to three [3] feet in height. The petitioners, therefore, request a three [3] foot fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Robert DiPasquale, petitioner
14 Trentwood Trail
Lancaster, New York 14086

Proponent

IN THE MATTER OF THE PETITION OF ROBERT & JANE DIPASQUALE

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. LEHRBACH
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Robert & Jane DiPasquale and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Residential District 2, (R2) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Residential District 2, (R2) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variances was thereupon **ADOPTED**.

June 10, 2004

PETITION OF BRIAN D. HART, B & J FOOD SERVICE (MANHATTAN BAGEL):

THE 3rd CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Brian D. Hart, B & J Food Service (Manhattan Bagel), 3073 Sheridan Drive, Amherst, New York 14226 for two [2] variances for the purpose of adding a sign to an existing pole sign on property located at 4875 Transit Road (Valu Plaza), Lancaster, New York 14086 which is owned by Lancaster Property Associates, P.O. Box 1410, Buffalo, New York 14240-1410.

- A. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][e] of the Code of the Town of Lancaster. The face area of the proposed sign, eighteen [18] square feet, when added to the existing sign face area of eighty-eight [88] square feet is one hundred six [106] square feet.

Chapter 50, Zoning, Section 30F.(2)(c)[3][e] of the Code of the Town of Lancaster limits the total face area of pole signs on the premises to sixty-four [64] square feet. On September 10, 1992 the subject property was granted a variance of thirty-two (32) square feet allowing a total sign face area of ninety-six [96] square feet. The petitioner, therefore, requests a ten [10] square foot variance of the total face area permitted for the proposed pole sign.

- B. A variance from the requirements of Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster. The bottom of the proposed pole sign is five feet six inches [5', 6"] above grade.

Chapter 50, Zoning, Section 30F.(2)(c)[3][b] of the Code of the Town of Lancaster requires the bottom of pole signs to be eight [8] feet above grade. The petitioner, therefore, requests a two foot, six inch [2', 6"] variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

Copy of a letter notifying the Cheektowaga Town Clerk of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Brian D. Hart, petitioner 3073 Sheridan Drive Amherst, New York 14226	Proponent
---	-----------

Michael Ulrich, representing petitioner Ulrich Sign Company 250 State Road Lockport, New York	Proponent
--	-----------

Barbara Yocum 3609 Bowen Road Lancaster, New York 14086	Questions
---	-----------

**IN THE MATTER OF THE PETITION OF BRIAN D HART, B & J FOOD SERVICE
(MANHATTAN BAGEL)**

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. LEHRBACH, WHO MOVED ITS
ADOPTION, SECONDED BY MR. QUINN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Brian D. Hart, B & J Food Service (Manhattan Bagel) and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the duly authorized agent of the owner or purchaser.

That the property for which the applicant is petitioning is within a General Business District, (GB) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the General Business District, (GB) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That signage in close proximity to the subject property is consistent in nature.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is not substantial.

That the petitioner has the necessity for neighborhood exposure to promote his establishment.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That the applicant has made a good faith effort to conform to the requirements of the Code of the Town of Lancaster.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED NO
MR. LEHRBACH	VOTED YES

The resolution granting the variances was thereupon **ADOPTED**.

June 10, 2004

PETITION OF BARBARA & JOHN YOCHUM:

THE 4th CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the petition of Barbara A. and John L. Yocum, 3609 Bowen Road, Lancaster, New York for one [1] variance for the purpose of erecting an eight [8] foot high fence for an approximate length of forty-eight feet [48'] in the rear yard on premises owned by the petitioner at 3609 Bowen Road, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 35A. of the Code of the Town of Lancaster. The height of the proposed fence is eight [8] feet.

Chapter 50, Zoning, Section 35A. of the Code of the Town of Lancaster limits the height of a fence in a residential district rear side yard to six [6] feet in height. The petitioner, therefore, requests a two [2] foot fence height variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicants with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioners of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Barbara Yocum, petitioner 3609 Bowen Road Lancaster, New York 14086	Proponent
---	-----------

John Yocum, petitioner 3609 Bowen Road Lancaster, New York 14086	Proponent
--	-----------

IN THE MATTER OF THE PETITION OF BARBARA & JOHN YOCHUM

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. THILL, WHO MOVED ITS
ADOPTION, SECONDED BY MR. ESPOSITO
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Barbara and John Yochum and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicants are the present owners of the premises in question.

That the property for which the applicants are petitioning is within a Agricultural Residential District, (AR) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Agricultural Residential District, (AR) as specified in Chapter 50 of the Code of the Town of Lancaster.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicants cannot be achieved by some other method, feasible for the applicants to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is not self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That the topography of the property to the north of the subject property is two [2] feet higher than the subject property which would render a shorter fence incapable of providing reasonable privacy.

That this board has taken into consideration the benefit to the applicants if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

That such fence will not unduly shut out light or air to adjoining properties.

That such fence will not create a fire hazard by reason of its construction or location.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED**-subject to the following conditions which in the opinion of this board are appropriate conditions to minimize adverse effects on the character of the surrounding area and to safeguard the public health, safety, convenience and general welfare:

- The fence be constructed of a board on board material.
- The authorized variance begins eight feet [8'] west of the northeast rear corner of dwelling and proceeds sixty feet [60'] east thereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED YES

The resolution granting the variance was thereupon **ADOPTED**.

June 10, 2004

PETITION OF TIM HORTON'S RESTAURANT:

THE 5th CASE TO BE HEARD BY THE Zoning Board of Appeals was that of the the adjourned petition of Tim Horton's Restaurant, 4455 Transit Road, Williamsville, New York 14221 for six [6] variances for the purpose of constructing a coffee and baked goods restaurant on premises located at the north east corner of Genesee Street and Harris Hill Road, namely 496 Harris Hill Road. The property is owned by Robert Nucherenno of 4855 Meadowbrook, Williamsville, New York, to wit:

- C. A variance from the requirements of Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster for the purpose of erecting a six [6] foot high fence along the north property line beginning thirty [30] feet from the right of way.

Chapter 50, Zoning, Section 35C. of the Code of the Town of Lancaster limits the height of a fence or wall extending into a required front yard area (sixty foot set back) to three [3] feet in height. The petitioner, therefore, requests a three [3] foot fence height variance for a fence length of thirty [30] feet beginning at a point [30] thirty feet inside the right of way and positioned along the north property line.

- B. A variance from the requirements of Chapter 50, Zoning, Section 18C.(3) of the Code of the Town of Lancaster. The proposed structure location would result in a thirty [30] foot west front yard set back on Harris Hill Road.

Chapter 50, Zoning, Section 18C.(3) of the Code of the Town of Lancaster requires a sixty [60] foot west front yard set back on Harris Hill Road. The petitioner, therefore, requests a thirty [30] foot west front yard set back variance from Harris Hill Road.

- C. A variance from the requirements of Chapter 50, Zoning, Section 18C.(1) of the Code of the Town of Lancaster. The lot area of the premises upon which the variance is sought is .72 acres [31,363 square feet].

Chapter 50, Zoning, Section 18C.(1) of the Code of the Town of Lancaster requires a minimum lot area of one acre [43,560 square feet]. The petitioner, therefore, requests a .28 acre [12,197 square foot] lot area variance.

- D. A variance from the requirements of Chapter 50, Zoning, Section 18C.(3) of the Code of the Town of Lancaster. The proposed south exterior front yard setback for parking and stacking along Genesee Street is 9.5 feet.

Chapter 50, Zoning, Section 18C.(3) of the Code of the Town of Lancaster requires a twenty [20] foot fully landscaped south exterior front yard setback. The petitioner, therefore, requests a 10.5 foot south front yard set back variance along Genesee Street.

- E. A variance from the requirements of Chapter 50, Zoning, Section 18C.(3) of the Code of the Town of Lancaster. The proposed east side yard set back for parking, loading and stacking is 4.1 feet.

Chapter 50, Zoning, Section 18C.(3) of the Code of the Town of Lancaster requires a twenty-five [25] foot fully landscaped east side yard. The petitioner, therefore, requests a 20.9 foot east side yard set back variance.

- F. A variance from the requirements of Chapter 50, Zoning, Section 18C.(3) of the Code of the Town of Lancaster. The proposed north side yard setback for parking, loading and stacking is fifteen [15] feet.

Chapter 50, Zoning, Section 18C.(3) of the Code of the Town of Lancaster requires a twenty-five [25] foot fully landscaped north side yard. The petitioner, therefore, requests a ten [10] foot north front yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

Copy of a letter notifying the Erie County Department of Planning of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Louis J. Terragnoli, Jr., representing petitioner 4455 Transit Road Williamsville, New York 14221	Proponent
---	-----------

Tim Gawenus, PE, representing petitioner Wm. Schutt & Associates, P.C. 37 Central Avenue Lancaster, New York 14086	Proponent
---	-----------

Ralph Lorigo, Attorney, representing a neighbor 101 Slade Avenue West Seneca, New York 14224	Proponent
--	-----------

IN THE MATTER OF THE PETITION OF TIM HORTON'S RESTAURANT

THE FOLLOWING MOTION WAS MADE
BY MR. LEHRBACH, SECONDED BY
MR. ESPOSITO TO WIT:

To consider each variance individually due to the complexity of the requests. A discussion ensued whereupon this motion was withdrawn by Mr. Lehrbach and Mr. Esposito.

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. ESPOSITO WHO MOVED ITS
ADOPTION, SECONDED BY MR. SCHWAN
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Tim Horton's Restaurant and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 10th day of June 2004, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That the applicant is the duly authorized agent of the owner or purchaser.

That the property for which the applicant is petitioning is within a Neighborhood Business District, (NB) as shown on the Zoning Map of the Town of Lancaster.

That the use sought is a permitted use appearing in the Neighborhood Business District, (NB) as specified in Chapter 50 of the Code of the Town of Lancaster.

That the Erie County Department of Environment and Planning commented on the proposed zoning action in their letters dated April 1, 2004 and May 27, 2004, and that this board has considered those comments in their determination.

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

The barrier at the north end of the property is a benefit to the neighbor on Harris Hill Road.

That the benefit sought by the applicant cannot be achieved by some other method, feasible for the applicant to pursue, other than the area variance relief sought.

That the requested area variance relief is substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district and is consistent with the nature of the neighborhood.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the

minimum variance necessary to afford relief.
That the Permit Engineer of the Erie County Department of Environment and Planning in his letter dated 5/27/2004 has reviewed the proposed site plan and has commented thereupon; which comments were reviewed by this board.

That a traffic study of the proposed location prepared by Wm. Schutt & Associates, dated 6/2/2004 was presented to the Zoning Board of Appeals and reviewed by the Zoning Board of Appeals as part of their proceedings in this matter.

That the applicant by his testimony at this hearing indicated that no attempt has been made to acquire additional acreage in order to adhere to the one [1] acre provision of Chapter 50 of the Zoning Code of the Town of Lancaster.

That this board has engaged in extensive examination of the proposed site plan of the project with a concentration upon the traffic study.

**NOW, THEREFORE, BE IT
RESOLVED** that based upon these findings, the relief sought be and is hereby
GRANTED.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. ABRAHAM	VOTED YES
MR. ESPOSITO	VOTED YES
MR. MARYNIEWSKI	WAS ABSENT
MR. QUINN	VOTED NO
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	VOTED NO

The resolution granting the variances was thereupon **ADOPTED.**

June 10, 2004

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 10:13 P.M.

Signed _____
Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals
Dated: June 10, 2004